

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

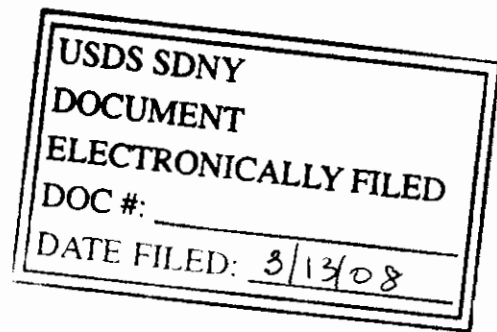
KOREAN PRODUCE BUYING SERVICE  
INC., t/a K.P.T.,

Plaintiff,

-v-

CHA BROTHERS, MYUNG JONG CHA  
and HAE JA CHA, individually and/or doing  
business as Cha Brothers,

Defendants.



No. 08 Civ. 2493 (RJS)  
ORDER

RICHARD J. SULLIVAN, District Judge:

On March 12, 2008, plaintiff in the above-entitled action submitted an *ex parte* application for an order temporarily restraining defendants from, *inter alia*, transferring their assets, thereby frustrating plaintiff's ability to collect debts allegedly owed by defendants. (*See* Pl.'s Mem. at 6.)

IT IS HEREBY ORDERED that plaintiff's *ex parte* application for a temporary restraining order is DENIED. Plaintiff has failed to establish that "*immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition.*" Fed. R. Civ. P. 65(c) (emphasis added); *see Borey v. Nat'l Union Fire Ins. Co.*, 934 F.2d 30, 34 (2d Cir. 1991) (internal citation omitted).

IT IS FURTHER ORDERED that the parties shall appear for a conference on Tuesday, March 18, 2008, at 4:30 p.m. in the United States District Court, Courtroom 21C, 500 Pearl Street, New York, New York.

IT IS FURTHER ORDERED that, prior to the conference, plaintiff shall serve a copy of the complaint, its application and supporting papers on defendants and file proof of service electronically with the Court.

SO ORDERED.

DATED: New York, New York  
March 12 2008



RICHARD J. SULLIVAN  
UNITED STATES DISTRICT JUDGE